

Dkt.0575/61238-A/JPW/BJA

IFW 1651
AFB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard Deckelbaum et al.
U.S. Serial No.: 10/033,629 Examiner: R. A. Davis
Filed : December 28, 2001 Group Art Unit: 1651
For : USE OF IV EMULSIONS WITH DIFFERENT
TRIGLYCERIDE COMPOSITION, PARTICLE SIZE AND
APOLIPOPROTEIN E FOR TARGETED TISSUE
DELIVERY OF HYDROPHOBIC COMPOUNDS

1185 Avenue of the Americas
New York, New York 10036
May 28, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants hereby appeal to the Board from the decision of the Examiner mailed November 28, 2003 finally rejecting pending claims 1-3, 10-11, 15-17, and 24-25 in the above-identified application.

A response to the November 28, 2003 Final Office Action was originally due February 28, 2004. Applicants are concurrently petitioning for a three month extension of time. Accordingly, the subject application is pending today and this Notice of Appeal is being timely filed.

The required fee set forth in 37 C.F.R. §1.17(b) for filing a Notice of Appeal for a small entity is ONE HUNDRED AND SIXTY FIVE DOLLARS (\$165.00), and a check for this amount is enclosed.

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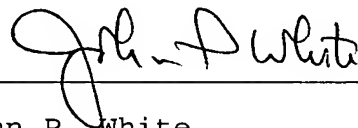
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No fee, other than the enclosed \$165.00 fee, is deemed necessary in connection with the filing of this Notice of Appeal. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450



5/28/04

John P. White
Reg. No. 28,678

Date